

### **REMARKS/ARGUMENTS**

This Reply is being filed in response to the final Official Action on a Request for Continued Examination (RCE) of the above-identified application. Initially, Applicant would like to thank the Examiner for taking the time to conduct a telephone interview with Applicant's undersigned attorney regarding the final Official Action. The final Official Action of this RCE continues to reject Claim 10 under 35 U.S.C. § 112, second paragraph, for including the phrase "the system" without sufficient antecedent basis. However, Applicant amended Claim 10 by Applicant's amendment of August 4, 2008 (responding to the first Official Action of this RCE) to recite "the apparatus," which does include sufficient antecedent basis. Applicant therefore again respectfully submits that the rejection of Claim 10 under § 112, second paragraph, is overcome.

The final Official Action also continues to reject all of the pending claims, namely Claims 1-54, as being anticipated by U.S. Patent Application Publication No. 2002/0058504 to Stanforth, or as being unpatentable over Stanforth, in view of U.S. Patent Application Publication No. 2004/0024879 to Dingman et al. That is, the final Official Action continues to reject Claims 1-5, 7-14, 16-23, 25-32, 34-41, 43-50 and 52-54 under 35 U.S.C. § 102(b) as being anticipated by Stanforth; and reject the remaining claims, namely Claims 6, 15, 24, 33, 42 and 51, under 35 U.S.C. § 103(a) as being unpatentable over Stanforth, in view of Dingman. As explained below, however, Applicant again respectfully submits that the claimed invention is patentably distinct from Stanforth and Dingman, taken individually or in any proper combination; and accordingly traverses these prior art rejections of the claims. In view of the remarks presented herein, Applicant respectfully requests reconsideration and allowance of all of the pending claims of the present application. Alternatively, as the remarks presented herein do not raise any new issues or introduce any new matter, Applicant respectfully requests entry of this Reply for purposes of narrowing the issues upon appeal.

**A. Substance of Interview.**

Applicant states the substance of the interview as follows.

During the interview, Applicant's undersigned attorney and the Examiner discussed the § 112 rejection of Claim 10, and it having been overcome by Applicant's prior amendment to Claim 10 on Aug. 4, 2008. Applicant's undersigned attorney and the Examiner discussed the rejections of the pending claims as being anticipated by Stanforth, or as being unpatentable over Stanforth in view of Dingman. More particularly, Applicant's undersigned attorney and the Examiner discussed the claimed invention and the interpretation of Stanforth allegedly reading on the claimed invention. No agreement was reached as to the rejections of the claims as being anticipated by Stanforth, or as being unpatentable over Stanforth, in view of Dingman.

**B. Note regarding Claim Construction**

Initially, Applicants note that in both the first and now the final Official Action of this RCE, the Office has failed to provide Applicants with a sufficient claim construction or interpretation of the cited references so as to enable the Applicants to effectively reply or readily judge the advisability of an appeal. See MPEP §§ 706, 706.07. As has been recognized by the Board of Patent Appeals and Interferences (BPAI), "The Examiner must make specific findings as to claim construction." *Ex parte* Blankenstein et al., Appeal No. 2007-2872, Application No. 10/116,312 (BPAI Aug. 26, 2008); and see *Gechter v. Davidson*, 116 F.3d 1454 (Fed. Cir. 1997) (emphasis added). And as has been held by the Court of Appeals for the Federal Circuit, "[i]n deciding the issue of anticipation, the trier of fact must identify the elements of the claims, determine their meaning in light of the specification and prosecution history, and identify corresponding elements disclosed in the allegedly anticipating reference." *Lindemann Maschinenfabrik v. American Hoist and Derrick Company*, 730 F.2d 1452, 1458 (Fed. Cir. 1984) (emphasis added); and see *Waldermar Link v. Osteonics Corp.*, 32 F.3d 556, 559 (Fed. Cir. 1994) (explaining that, during prosecution, "the patent Examiner acts as a fact-finder")

In the instant case, other than quoting or paraphrasing Applicant's claim language with annotated citations to figures, or column and line numbers of the cited references, the Office provides no finding or other explanation regarding Applicants' claims, the cited references, or

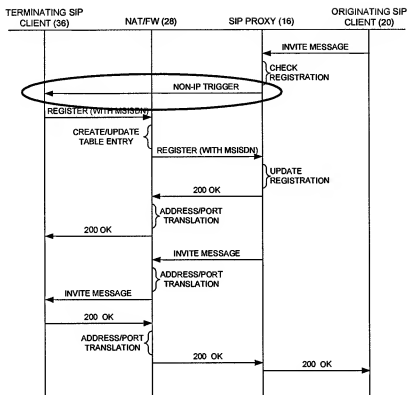
the application of the cited references to Applicants' claims. Should the Examiner continue to reject the claims as being unpatentable over the same or any other ground, Applicants respectfully request that the Office submit on the record specific findings as to the construction being applied to the claims, an explanation of the references being cited against the claims, and how those references disclose recited features of the claims.

***C. Claims 1-5, 7-14, 16-23, 25-32, 34-41, 43-50 and 52-54 are Patentable***

The Official Action rejects Claims 1-5, 7-14, 16-23, 25-32, 34-41, 43-50 and 52-54 as being anticipated by Stanforth. Briefly, Stanforth discloses a gateway node and gateway controller of an ad hoc peer-to-peer mobile radio access system for interfacing that ad hoc system with a cellular network and/or public switched telephone network (PSTN). As disclosed, an ad hoc terminal registers with a particular gateway node and gateway to enable the ad hoc terminal to originate calls and other communication to the cellular network or PSTN via the ad hoc network, or terminate calls and other communication from the cellular network or PSTN via the ad hoc network.

***1. Claims 1-9, 19-27 and 37-45 are Patentable over Stanforth***

As explained during the telephone interview, according to a first aspect of the present invention, as reflected by independent Claim 1 and illustrated for example by FIG. 5 of the present application shown below (horizontally flipped and annotated for comparison purposes), an apparatus (e.g., proxy 16) is provided for establishing a communication session with a terminal (e.g., terminating SIP client 36). As recited, the apparatus includes a processor located in a network (e.g., public network 12) across which an originating client (e.g., originating SIP client 20) is configured to communicate. The processor is configured to receive a connection request (e.g., INVITE MESSAGE), and in response thereto, send a network-independent trigger (e.g., NON-IP TRIGGER) to the terminal.



Pat Appl., FIG. 5 (flipped)

In response to the trigger, the processor is configured to receive a registration message (e.g., REGISTER) via the network to thereby register the terminal with the apparatus and acquire a network-dependent identity of the terminal to thereby enable establishment of a communication session with the terminal based upon the network-dependent identity of the terminal.

In contrast to the first aspect of the present invention (and, e.g., independent Claim 1 in particular), Stanford (or Dingman) does not teach or suggest an apparatus (or processor thereof) in a network sending a network-independent trigger to a terminal in response to a connection request, and in response to the network-independent trigger, receiving a response via the network to thereby register the terminal with the apparatus and acquire a network-dependent identity of the terminal. Stanford does disclose a gateway within an ad hoc network receiving a registration message from an ad hoc terminal to register the ad hoc terminal with the ad hoc network, or more particularly the gateway of the ad hoc network. Stanford does not teach or suggest,

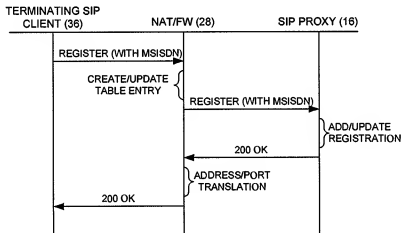
however, that its gateway sends an ad-hoc-network-independent trigger to the terminal in response to which the gateway receives its registration message, similar to the processor of independent Claim 1 sending a network-independent trigger, in response to which the processor receives a registration message from the terminal. Instead, Stanforth clearly discloses that its terminal initiates registration with the ad hoc network. *See* Stanforth, paragraph [0042], [0055]-[0057].

Applicant notes that the Official Action cites a terminal call origination process, or rather messages of that process, as corresponding to the connection request and network-independent trigger of independent Claim 1. That is, with reference to FIG. 6 of Stanforth, the Official Action cites a terminal-to-gateway setup dialogue as corresponding to the recited connection request, and cites a gateway-to-terminal alerting message as corresponding to the recited network-independent trigger. Applicant respectfully submits, however, that even if one considered the terminal-to-gateway setup dialogue as a connection request, Stanforth does not teach or suggest its gateway (alleged processor) being configured to send the gateway-to-terminal alerting message (alleged network-independent trigger) in response to that dialogue (alleged connection request), similar to the processor of independent Claim 1. Moreover, Stanforth does not teach or suggest its gateway (alleged apparatus) being configured to receive a registration message from the terminal in response to the gateway-to-terminal alerting message (alleged network-independent trigger) to register the terminal with the gateway (alleged apparatus) and acquire a network-dependent identity of the terminal, similar to the processor of independent Claim 1.

## **2. *Claims 10-18, 28-36 and 46-54 are Patentable over Stanforth***

According to a second aspect of the present invention, as reflected by independent Claim 10 and illustrated for example by FIG. 4 of the present application shown below, an apparatus (e.g., proxy 16) for establishing a communication session with a terminal (e.g., terminating SIP client 36) again includes a processor. As recited, similar to independent Claim 1, the processor is located in a network (e.g., public network 12) across which an originating client (e.g., originating SIP client 20) is capable of communicating. The processor is configured to receive a

registration message (e.g., REGISTER) from the terminal via the network to thereby register the terminal with the apparatus. In this regard, the registration message includes a network-independent identity of the terminal (e.g., MSISDN). The processor is configured to send a network-independent trigger to the terminal based upon the network-independent identity of the terminal to thereby trigger the terminal to update registration of the terminal with the apparatus, including acquisition by the processor of a network-dependent identity of the terminal to thereby enable establishment of a communication session with the terminal based upon the network-dependent identity (see, e.g., FIG. 5 above, NON-IP TRIGGER).



Pat Appl., FIG. 4

In contrast to the second aspect of the present invention (and, e.g., independent Claim 10 in particular), Stanforth (or Dingman) does not teach or suggest an apparatus (or processor thereof) in a network receiving a registration message from a terminal via a network, the registration message including a network-independent identity of the terminal so that the terminal may be sent a network-independent trigger in a manner similar to that recited by independent Claim 1. More particularly, Stanforth (or Dingman) does not teach or suggest an apparatus including a processor configured to receive, from a terminal via a network, a registration message including a network-independent identity of the terminal. Further, Stanforth (or Dingman) does not teach or suggest the processor being configured to send a

network-independent trigger to the terminal based on the network-independent identity to thereby acquire a network-dependent identity of the terminal to thereby enable establishment of a communication session based upon the network-dependent identity of the terminal. Again, instead of disclosing its gateway triggering a terminal to update its registration with the gateway (much less via a network-independent trigger), Stanforth clearly discloses that its terminal initiates registration with the ad hoc network. *See Stanforth*, paragraph [0042], [0055]-[0057].

Applicant therefore respectfully submits that independent Claim 1, and by dependency Claims 2-9, is patentably distinct from Stanforth. Applicant also respectfully submit that previously presented independent Claims 10, 19, 28, 37 and 46 recite subject matter similar to that of independent Claim 1, including the aforementioned triggering the terminal (or an apparatus) or identifying the terminal (or an apparatus) independent of the network for which a communication session may ultimately be established. As such, Applicant also respectfully submit that independent Claims 10, 19, 28, 37 and 46, and by dependency Claims 11-18, 20-27, 29-36, 38-45 and 47-54, are patentably distinct from Stanforth for at least the same reasons given above with respect to independent Claim 1.

For at least the foregoing reasons, Applicant respectfully submits that the rejection of Claims 1-5, 7-14, 16-23, 25-32, 34-41, 43-50 and 52-54 as being anticipated by Stanforth is overcome.

***D. Claims 6, 15, 24, 33, 42 and 51 are Patentable***

The Official Action rejects Claims 6, 15, 24, 33, 42 and 51 as being unpatentable over Stanforth, in view of Dingman. As explained above, independent Claims 1, 10, 19, 28, 37 and 46, and by dependency Claims 2-9, 11-18, 20-27, 29-36, 38-45 and 47-54, are patentably distinct from Stanforth. Applicant respectfully submits that Dingman does not cure the deficiencies of Stanforth. That is, even considering Dingman, neither Stanforth nor Dingman, taken individually or in any proper combination, teaches or suggests the aforementioned terminal-triggering feature, as recited by the claimed invention. And there is no apparent reason for one skilled in the art still to modify Stanforth with the teachings of Dingman to disclose the claimed invention. Thus, for at least the foregoing reasons as well as those given above with respect to

Application No.: 10/797,765  
Amendment Dated March 20, 2009  
Reply to Official Action of December 23, 2008

independent Claims 1, 10, 19, 28, 37 and 46, Claims 6, 15, 24, 33, 42 and 51 are also patentably distinct from Stanforth, in view of Dingman.

Applicant accordingly submit that the rejection of Claims 6, 15, 24, 33, 42 and 51, as being unpatentable over Stanforth, in view of Dingman is overcome.



**CONCLUSION**

In view of the remarks presented above, Applicant respectfully submits that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicant's undersigned attorney in order to resolve any remaining issues. As explained above, no new matter or issues are raised by this Reply, and as such, Applicant alternatively respectfully requests entry of this Reply for purposes of narrowing the issues upon appeal.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Andrew T. Spence  
Registration No. 45,699

**Customer No. 00826**  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Charlotte Office (704) 444-1000  
Fax Charlotte Office (704) 444-1111  
LEGAL02/31132468v1

**ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON MARCH 20, 2009.**